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OFFICE OF PETITIONS

In re Application of :
J. Yu Huinan et al. :
Application No. 10/812,601 : **DECISION GRANTING PETITION**
Filed: March 30, 2004 :
Attorney Docket No.: CML01085T :

This is a decision on the paper titled "Response to Notice to File Missing Parts", filed September 10, 2004, which is treated as a petition under 37 CFR 1.182.

The instant application was filed March 30, 2004 and a filing date was accorded. However, a Notice to File Missing Parts mailed June 8, 2004 indicated that the Oath or Declaration was unsigned.

In response thereof, on August 2, 2004, petitioner filed an executed Oath or Declaration. A review of the file reveals that the oath or declaration filed only includes the signatures of two of the five inventors. Petitioner files the instant petition to correct the response filed August 2, 2004 with an indication that the response filed August 2, 2004 was received in the USPTO with some of the pages missing. Petitioner submits a postcard receipt to show that a complete Oath or Declaration, containing 12 pages, was mailed. The petition also includes an Oath or Declaration executed by five inventors.

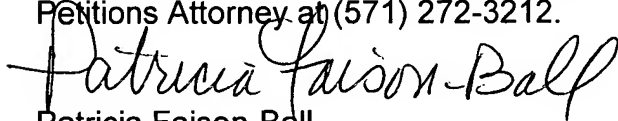
The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503). Unfortunately, petitioners' postcard receipt does not bear an Office-date stamp from the USPTO. As such, the postcard receipt does not serve as evidence that the items listed therein were received in the USPTO and no other proof has been submitted to prove that a complete response to the Notice to File Missing Parts was submitted on August 2, 2004.

However, since the response filed August 2, 2004 was incomplete, and since the petition and supplemental declaration filed September 10, 2004 were after the two month period set for response, to avoid abandonment, petitioner's deposit account no. 50-2117 has been charged in the amount of \$420.00 for a two month extension of time, per the authorization found in the petition to charge any additional fees.

In view thereof, the supplemental oath or declaration to complete the response filed August 2, 2004 is accepted and the petition is **GRANTED** and a corrected filing receipt is included with this decision.

This matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions